UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1993/52/Add.1
19 November 1992

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Forty-ninth session
Item 15 of the provisional agenda

IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID

Reports submitted by States parties under article VII of the Convention

Addendum

ALGERIA*

[29 January 1991]

Introduction

1. Algeria, whose struggle for national liberation against colonial occupation marked a rejection of all forms of domination and discrimination, has at all times unequivocally denounced and condemned the system of apartheid, which has been qualified by the international community as a crime against humanity. As a State party to the International Convention on the Suppression and Punishment of the Crime of Apartheid, Algeria has naturally displayed solidarity with all international action to put an end to this institutionalized racism, which Algeria considers to be the most primitive form of negating human dignity. It is firmly convinced that apartheid is the very denial of the purposes and principles of the Charter of the United Nations and is a constant threat to international peace and security.

---

* The initial and second reports submitted by the Government of Algeria (E/CN.4/1985/26/Add.3 and E/CN.4/1988/30/Add.5) were considered by the Group of Three at its 1985 and 1988 sessions respectively.

2. In submitting this report, pursuant to article VII of the Convention, the Algerian Government wishes to contribute to the implementation of the relevant provisions of this international instrument, to which it fully adheres. In this document, it endeavours to report on its national and international action to secure the objectives set by the Convention. This report supplements the first two, submitted on 6 August 1984 (E/CN.4/1985/26/Add.3) and 28 October 1987 (E/CN.4/1988/30/Add.5), to which reference should still be made.

I. ACTION BY ALGERIA AT THE NATIONAL LEVEL

3. Since it submitted its last report, Algeria has experienced a major change in the development of its institutions, one which enabled the people of Algeria to decide by referendum on 23 February 1989 in favour of a new Constitution, in which it reaffirmed its commitment to the struggle against all forms of discrimination and domination. As the State's fundamental law, the Constitution in no way differs from the previous Constitution of 1976 in its condemnation of all discriminatory practices. Thus, the preamble states:

> "(The Constitution) guarantees the rights and freedoms of the individual and the community, in a society in which the rule of law prevails and in which man can develop in all dimensions".

At the same time, it expresses the Algerian people's attachment to freedom and social justice.

4. Article 26 states categorically that "Algeria affirms its solidarity with all peoples engaged in the struggle for political and economic liberation, for the right to self-determination and against all racial discrimination". In this regard, article 9 includes a prohibition on "the establishment of relationships of exploitation and ties of dependence ...".

5. Again, a chapter of the Constitution entitled "Rights and Freedoms" is concerned with the freedoms of the individual and with basic human rights. The chapter provides, in article 28, that "Citizens are equal before the law and no discrimination may be practised on grounds of birth, race, sex, opinion or any other personal or social status or circumstance". Article 31, paragraph 1, goes on to state that "Fundamental freedoms and human rights and the rights of the citizen are guaranteed". In the same chapter, in article 33, the Constitution affirms that "the State guarantees the inviolability of the individual", and under that article "any form of physical or moral violence is proscribed". Article 34 stipulates that "offences committed against the rights or freedoms, as well as the physical or moral integrity, of the individual are punishable by law".

6. Furthermore, various laws and regulations have been adopted or modified, in keeping with the basic principles set out in the Constitution. For example, the right to form political associations recognized in article 40 of the Constitution is governed by Act No. 89-11, of 5 July 1989, which stipulates in article 5 that "... a political association cannot be founded or act on the sole basis of a religion, language, region, sex, race or occupation". For its part, the Penal Code, containing a substantial number of provisions which have been amended in recent years, also severely punishes

acts of racial discrimination towards both nationals and aliens. Act No. 90-07 of 30 April 1990, on information, was adopted to replace the 1982 Information Code and specifies in article 26, paragraph 1, that: "National or foreign periodic and specialized publications, irrespective of their nature or purpose, must not contain any illustration, account, information or item contrary to Islamic morality, national values or human rights, or defend racism, fanaticism or treason". As to the obligations of a professional journalist, the Act prohibits, in article 40, paragraph 2 (5), "Any direct or indirect defence of race, intolerance or violence".

7. It should be emphasized that Algeria continues to display its commitment to the struggle against apartheid, and this is done regularly throughout Algerian territory by activities to condemn this crime and by holding events in support of the people of South Africa who are victims of apartheid. The International Day for the Elimination of Racial Discrimination, African Liberation Day, International Day of Solidarity with the Palestinian People and International Day of Solidarity with Namibian People are but a few of such events, when Algeria mobilizes alongside national liberation movements in the struggle for the realization of the inalienable rights of peoples and for the rejection of any form of submission or subservience. Algeria still has no relations of any kind whatsoever with the apartheid regime.

II. ACTION BY ALGERIA AT THE INTERNATIONAL LEVEL

8. Owing to its history and the experience gained in the process of acceding to independence, Algeria was prompt to share the ideals of peoples waging the struggle against all forms of oppression and domination, and it has unfailingly supported the national liberation movements which reflect the will to secure emancipation. Thus, the experience of its own struggle naturally led it to embark from the outset on a worldwide commitment, as seen in its burning indignation, against crimes committed because of racial prejudice or policies of discrimination. One of independent Algeria's first sovereign acts was to sign the existing international conventions on the struggle against all forms of discrimination. Similarly, it actively contributed to the elaboration of further conventions to isolate the apartheid regime, as in the case of the International Convention against Apartheid in Sport, an international instrument that it has ratified.

9. Algeria thus gives expression to its solidarity by wholeheartedly endorsing the many decisions taken by the various United Nations bodies to eradicate apartheid. Algeria's support and its solidarity with the victims of apartheid are also reflected in the Movement of Non-Aligned Countries, the Organization of African Unity, the League of Arab States and the Organization of the Islamic Conference, international forums in which it has shown its unfailing commitment to the eradication of all manifestations of apartheid.

10. Algeria is one of the founder members of the Special Committee against Apartheid, in which its representative is the Vice-Chairman. The Committee's task is to mobilize world public opinion at all times, both within the United Nations system and through national and regional committees that are untiring in their activities and in their vigilance in securing the eradication of the system of apartheid. It is also an active member of the follow-up group of the OAU's Ad Hoc Committee on Southern Africa.

11. In view of recent developments, Algeria has been following with great interest the signs of a more open policy in southern Africa, such as the release of Nelson Mandela and other political prisoners, as well as the start of a dialogue with the ANC, the removal of the ban on certain anti-apartheid political organizations and the lifting of the state of emergency. In this connection, the exceptional welcome extended to Nelson Mandela when he visited Algiers in May 1990, which revealed the stature of the man and the struggle that he has been waging to emancipate his people, exemplifies Algeria's attachment to completing the process of national liberation of the South African people.

12. Algeria particularly welcomes Namibia's accession to independence, as can be seen from the statement by the spokesman of the Algerian Ministry of Foreign Affairs, published on that occasion:

> "Today, 21 March 1990, Africa and the international community extend a welcome to the independent Republic of Namibia. This long-awaited historic event has crowned the long heroic struggle waged by the Namibian people for their freedom. It also rewards the United Nations' determined and unfailing commitment to the decolonization of Namibia.
>
> "Algeria, which has in so many ways supported and actively shown its solidarity in the struggle for the national liberation of the Namibian people is today gratified at this ultimate recognition and fully intends to carry on, with an independent Namibia, joint and fraternal action to serve the interests of Africa, just causes, development and peace".

13. Despite such a positive development in that part of the African continent, Algeria remains convinced that apartheid, a system that is still in operation, will continue to constitute a serious threat to international peace and security until such time as the foundations of the system's discriminatory institutions are dismantled. Hence, it is essential for the international community to continue to mobilize and to maintain sanctions against the present regime in South Africa, so as to ensure the restoration of the lawful rights of the black majority of the South African population, a prerequisite for the advent of a society imbued with justice and equality.

14. Algeria's position of principle in its stand against apartheid is perfectly illustrated in the statement by the Algerian Minister for Foreign Affairs, Mr.Sid-Ahmed Ghozali, at the forty-fifth session of the General Assembly of the United Nations, in September 1990, when he said, among other things: "The legalization of political struggle in South Africa and the initiation of a long-awaited dialogue that would truly dismantle apartheid are the results of international pressure. Therefore, it is essential to be vigilant when we see that divisive and diversionary tactics as well as repression still pose a threat to those objectives".